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5 **UNITED STATES DISTRICT COURT**
6 **DISTRICT OF NEVADA**

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8 UNITED STATES OF AMERICA,)

Case No.: 2:12-cr-00118-JAD-VCF

9 Plaintiff,)

ORDER

10 vs.)

11 MICHAEL CHARLES GARCIA,)

12 Defendant.)
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15 On August 13, 2013, the Court received the attached hand-written correspondence from
16 Defendant Michael Charles Garcia. *Ex parte* contact with the Court is not permitted. To the
17 extent any party wishes some action to be taken based upon the contents of the letters, the
18 appropriate motion should be filed.

19 DATED this 13th day of August, 2013.

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22 JENNIFER A. DORSEY
23 UNITED STATES DISTRICT JUDGE
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August 9, 2013

VIA E-MAIL THROUGH MY MOM

Judge Gloria M. Navarro
U.S. District Court
333 Las Vegas Blvd., South
Las Vegas, NV 89101

Re: U.S. v. Michael Garcia, 2:12-cr-00118-GMN-VCF

Your Honor:

I want to let you know that my attorney, Mr. Todd Leventhal ("Todd"), forced me to sign the Plea Agreement on 7/22/13. I was taken from Nevada Southern Detention Center around 4 a.m. on 7/22/13 and brought to the District Attorney's Office. Present were two FBI agents, Ms. Amber Craig ("Amber"), and another person from the DA's office, and my attorney, Todd.

Todd told me to sign the Plea Agreement. I told Todd that I do not want to sign the Plea Agreement and that it was my impression that we will be going to trial. I also told him that I did not get any sleep at all and that I am not feeling well. I told him that I would like to be able to think about it, but he said that I must sign it because he is leaving the country. I was confused and I did not understand why he was very persistent that I sign the Plea Agreement. I am innocent of all the charges against me and I wanted to go to trial to prove that I am innocent.

Todd lied to me and told me that I will not win if I go to trial because my mom, Katrina Garcia, will not be able to testify at the trial because she failed the polygraph test. Todd also told me that if we were to go to trial, that I would lose and that I will be given the maximum sentence and that it will be at a maximum security prison where I will go for a very long time. I told Todd that I do not want to sign the Plea Agreement; that I was not feeling well because I was not able to sleep that night. I told Todd that I am innocent and that I want to go to trial to prove that I am innocent of all charges. I told Todd that I do not want to make that decision on that day, but Todd was very, very persistent.

Todd and Amber ganged up on me and put so much pressure on me to sign that Plea Agreement that later on I caved in because I got so scared! After I signed the Plea Agreement, I immediately felt sick to my stomach. I was taken immediately before Your Honor, and although I wanted to scream that I did not want to sign that Plea Agreement, I found myself going through the motion of acknowledging my signature on the Plea Agreement. Your Honor, I signed the Plea Agreement under duress. Todd and Amber got me so scared that I would end up in a maximum security prison for 8 to 10 years because I have no chance of winning the trial. When my mom visited me on 7/19/13,

she told me that she had met with Todd, and that she believes that with him, I am "in good hands." My mom and I trusted Todd and he betrayed us.

I want everyone to know that I am innocent and that I did not sign that Plea Agreement willfully – I was forced by my attorney, Todd Leventhal and by the Assistant District Attorney, Amber Craig. I signed the Plea Agreement because I was pressured to sign it by Todd and by Amber Craig. Now that I have had time to think about it, I realize that Todd lied to me and that he tricked me. Whatever Todd's motivation is for what he did, it was not for my own good. Todd breached his fiduciary duty to me as his client and betrayed me. I would like Your Honor to know that I do not want the services of Mr. Todd Leventhal anymore. I think that what he did to me was repulsive, unethical, and vile – maybe even criminal. I will be sending a copy of this letter to Todd through my mom; I hope that it is enough to sever my attorney-client relationship with him. I will also be sending a copy of this letter to the District Attorney's Office through my mom.

Your Honor, I once asked that I be represented by my mom, Katrina Garcia. I am once again asking Your Honor, to please grant me that request. I believe that it is only my mom who will not betray me and connive with the prosecution. It is only through my mom that I will get a fair representation in Court. The DA has done everything in its power to influence whoever is representing me to act in such a manner as to cause the prosecution to win its case against me regardless of my innocence. The DA has shown itself incapable of submitting to the rules of fair play.

I have been represented by three public defenders, by a prominent AV-rated attorney, Mr. C. Stanley Hunterton, and now, by Mr. Todd Leventhal. Each one of them cooperated fully with the DA by providing the DA with all communication that came from my mom. My mom was aware that her communication was being passed on to the DA by my attorney, but my mom was not deterred because my mom is a person of integrity and she knows that I am innocent. From the beginning of this case, the DA's office has had an unfair advantage because of the power that the DA's office and the FBI wields.

Your Honor, I know that I have a constitutional right to defend myself, but I cannot because I would not know what to do. What I want is to be able to assign that constitutional right that I have to my mom. Please let me choose my own counsel, Your Honor. I know that there is a law that states that only attorneys may practice before the court, but when weighed in the balance, does that law or statute trump my constitutional right? Given how badly the public defenders and court-appointed attorneys have handled my case, should I not be given the chance to be represented by a person of my own choosing? I know that my mom will be able to effectively present my case and that she will not betray my trust or connive with the DA's office. Please, please, I beg you, Your Honor. Let my mom be my attorney so that we can go to trial!

Lastly, Your Honor, I would like to request that an investigation be conducted by the Department of Justice as to the event that occurred on 7/22/13 (the day I was coerced to sign the Plea Agreement). I believe that prosecutorial misconduct, unethical conduct, abuse of power, and other highly irregular conduct were committed by the District Attorney's Office and by my attorney, Todd Leventhal. I am asking that the Court vacate the Plea Agreement that I signed because I signed it under duress. I am still young and in the DA's words, "unsophisticated." If my mom had been present with me on 7/22/13, or if I had been allowed to seek her counsel, by virtue of the Power of Attorney that I granted her, I am sure that I would not have signed that Plea Agreement.

Your Honor, it is not possible for me right now to sign a new Power of Attorney before a Notary Public because I am not free. However, I want Your Honor to know that I never intended for the Power of Attorney that I gave my mom to become invalidated. It would mean so much to me if Your Honor will continue to recognize as valid the Power of Attorney that I granted to my mom on 9/4/12. Thank you for reading my letter, Your Honor.

Respectfully yours,

/s/

Michael Charles Garcia
579-21-1573